

Docket No.  
25220.411A-US

## Declaration For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on April 9, 1999 as United States Application No. or PCT International  
Application Number 09/288,622  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

**60/121,425**

(Application Serial No.)

**February 23, 1999**

(Filing Date)

60/121,429

(Application Serial No.)

**February 23, 1999**

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, CFR Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor <b>Kenton T. Davis</b>	
Sole or first inventor's signature <i>Kenton T. Davis</i>	Date 1-30-99
Residence Apt 2016 Soren 5507 Soren Rd Falls Church, VA 22041	
Citizenship American	
Post Office Address Same as above	

Full name of second inventor, if any <b>William H. Dudley</b>	
Second inventor's signature <i>William H. Dudley</i>	Date 02/18/1999
Residence 3930 Morman Lane Addison, TX 75001-4409	
Citizenship American	
Post Office Address Same	

Full name of third inventor, if any <b>Derek Gallagher</b>	
Third inventor's signature <i>Derek Gallagher</i>	Date 6/17/99
Residence 2416 K ST NW #202, WASHINGTON DC 20037	
Citizenship IRISH	
Post Office Address Same	

Full name of fourth inventor, if any <b>Ken Gee</b>	
Fourth inventor's signature <i>Ken Gee</i>	Date 6/15/99
Residence 11807 Breton Court #1C Reston VA 20191	
Citizenship USA	
Post Office Address Same	

Full name of fifth inventor, if any <b>Pauric McCabe</b>	
Fifth inventor's signature <i>Pauric McCabe</i>	Date 5/15/99
Residence 600 N. Stuart St. #1012, Arlington, VA 22203	
Citizenship Irish	
Post Office Address Same	

Full name of sixth inventor, if any <b>Eric <del>Podietz</del> Podietz</b>	
Sixth inventor's signature <i>Eric Podietz</i>	Date 6/14/99
Residence 566 Cardinal Dr. Dresher PA 19025	
Citizenship US	
Post Office Address Same	

Full name of seventh inventor, if any <b>Shao Weidong</b>	
Seventh inventor's signature <i>Shao Weidong</i>	Date 6/14/99
Residence 6015 Springhill Dr #204 Greenbelt, MD 20770	
Citizenship China	
Post Office Address Same	

Full name of eighth inventor, if	
Eighth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Kenton T. Davis et al.  
Assignee: Pathnet, Inc.  
Serial No.: 09/288,622  
Filing Date: April 9, 1999  
Title: Element Management System for Heterogeneous  
Telecommunications Network  
Our Ref.: 25220.411A-US

---

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**POWER OF ATTORNEY**

PATHNET, INC. was assigned the full and exclusive interest in the above-referenced application by its inventors. The Assignment is filed herewith, and a copy of the assignment is attached hereto. Assignee hereby revokes all prior powers of attorney executed or filed in connection with the above-referenced application. Assignee hereby appoints the following attorneys with respect to the above-referenced patent application and to transact all business in the Patent and Trademark Office connected therewith:

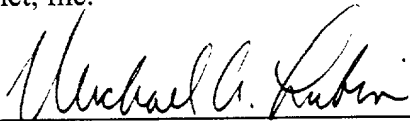
Paul J. Berman	Reg. No. 36,744	COVINGTON & BURLING
Kurt G. Calia	Reg. No. 38,702	1201 Pennsylvania Ave., N.W.
Richard P. Dulik	Reg. No. 40,598	P.O. Box 7566
Thomas W. Krause	Reg. No. 40,335	Washington, D.C. 20044-7566
Adriana S. Luedke	Reg. No. 41,956	Phone: (202) 662-6000
Jeannie M. Perron	Reg. No. 31,180	
Philip J. Rosenthal	Reg. No. 42,114	
Lee J. Tiedrich	Reg. No. 42,184	
Glen D. Weinstein	Reg. No. 43,981	
Grady L. White	Reg. No. 40,874	

Address all telephone calls and correspondence to Paul J. Berman at the address and telephone number listed above.

Assignee hereby declares that, to the best of Assignee's knowledge, title to the above-referenced patent application is in Assignee. Assignee hereby declares that all statements made herein of its own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-referenced patent application and any patent issuing thereon.

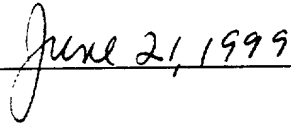
Pathnet, Inc.

By:



Michael Lubin  
Vice President, General Counsel

Date:



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

Docket No.  
25220.411A-US

Serial No.  
09/288,622

Filing Date  
April 9, 1999

Patent No.

Issue Date

Applicant/ **Kenton T. Davis et al**  
Patentee: **Assignee: Pathnet, Inc.**

Invention: **Element Management System for Heterogeneous Telecommunications Network**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Pathnet, Inc.

ADDRESS OF CONCERN: 1015 31st Street, Washington, DC 20007

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☐ the specification filed herewith with title as listed above.
- ☒ the application identified above.
- ☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below.

FULL NAME  
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

**Michael Lubin**

TITLE OF PERSON SIGNING

**Vice President, General Counsel**

OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

SIGNATURE:

*Michael A. Lubin*

DATE:

*June 21, 1999*



<b>VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27 (b)) - INDEPENDENT INVENTOR</b>			Docket No. <b>25220.411A-US</b>
Serial No. <b>09/288,622</b>	Filing Date <b>April 9, 1999</b>	Patent No.	Issue Date
Applicant/ Patentee: <b>Kenton T. Davis; William H. Dudley; Derek Gallagher; Ken Gee; Pauric McCabe; Eric Podietz; Weidong Shao</b>			
Invention: <b>ELEMENT MANAGEMENT SYSTEM FOR HETEROGENEOUS TELECOMMUNICATIONS NETWORK</b>			
<p>As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled above and described in:</p> <p> <input type="checkbox"/> the specification to be filed herewith.  <input checked="" type="checkbox"/> the application identified above.  <input type="checkbox"/> the patent identified above.         </p> <p>I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).</p> <p>Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:</p> <p> <input type="checkbox"/> No such person, concern or organization exists.  <input checked="" type="checkbox"/> Each such person, concern or organization is listed below.         </p> <p><b>*NOTE:</b> Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)</p>			
FULL NAME <b>Pathnet, Inc.</b> ADDRESS <b>1015 31st Street, Washington, DC 20007</b> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Individual           <input checked="" type="checkbox"/> Small Business Concern           <input type="checkbox"/> Nonprofit Organization         </div>			
FULL NAME _____ ADDRESS _____ <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Individual           <input type="checkbox"/> Small Business Concern           <input type="checkbox"/> Nonprofit Organization         </div>			
FULL NAME _____ ADDRESS _____ <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Individual           <input type="checkbox"/> Small Business Concern           <input type="checkbox"/> Nonprofit Organization         </div>			
FULL NAME _____ ADDRESS _____ <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Individual           <input type="checkbox"/> Small Business Concern           <input type="checkbox"/> Nonprofit Organization         </div>			

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR Kenton T. Davis

SIGNATURE OF INVENTOR 

DATE: 14 Jun 99

NAME OF INVENTOR William H. Dudley

SIGNATURE OF INVENTOR 

DATE: 10/18/1999

NAME OF INVENTOR Derek Gallagher

SIGNATURE OF INVENTOR 

DATE: 6/17/99

NAME OF INVENTOR Ken Gee

SIGNATURE OF INVENTOR 

DATE: 6/15/99

NAME OF INVENTOR Pauric McCabe

SIGNATURE OF INVENTOR 

DATE: 6/15/99

NAME OF INVENTOR Eric Podietz

SIGNATURE OF INVENTOR 

DATE: 6-14-99

NAME OF INVENTOR Weidong Shao

SIGNATURE OF INVENTOR 

DATE: 6/14/99

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_